



IAP6 Rec'd PCT/PTO 03 APR 2007

Attorney Docket N°. CUtech-105A

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

**In re Application of:**

David P. VanSickle, M.D., Ph.D. & Ken Winston, M.D.

Serial N°. 10/581,135

Confirm N°. 1990

Filed: 30 May 2006

For: ACTIVE INVASIVE EEG DEVICE AND TECHNIQUES

)  
)  
) Examiner: [unknown]  
)  
) Art Unit: [unknown]  
)  
)  
)

**MAIL STOP: Missing Parts 371 Formalities**

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Transmitted herewith is:

✓ Copy of the 2-page Notification of Missing Requirements under 35 U.S.C. 371 in the United States Designated/Elected Office (DO/EO/US) for the above-identified application (having been mailed from the Patent Office 22 Feb 2007).

✓ True copies of an executed 2-page Declaration for Patent Application and Appointment of Attorney→ **Please note there is a Declaration sheet/box executed, for each applicant;**

<No> Copy of the Filing Receipt, with correction printed to reflect <not needed> filing date  
In support thereof, a copy of US Postal Service receipt and copy of the original  
Transmittal sent to Patent Office with certification under 37 CFR 1.10 confirming same.

✓ PTO-2030 "Credit Card Payment Form" authorizing the \$165 surcharge and exam fee/extra claim fee set forth in the Notification.

✓ Return Postcard to confirm receipt;

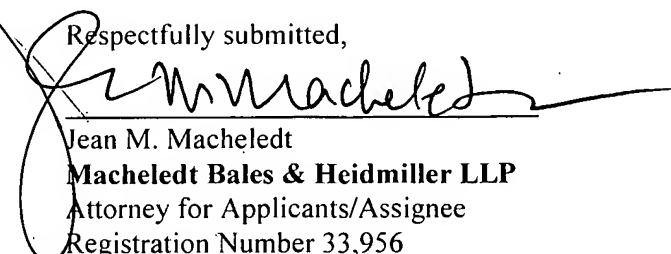
✓ The Commissioner is hereby authorized to charge any *additional fees* beyond the surcharge fee (small entity) associated with this communication, including patent application filing fees and processing fees under 37 C.F.R. §1.16 and 1.17, or credit any overpayment to: **Macheledt Bales LLP, Deposit Account Number 02-0725.**

04/05/2007 MKAYPAGH 00000105 10581135

01 FC:2633  
02 FC:2617

100.00 OP  
65.00 OP

Respectfully submitted,

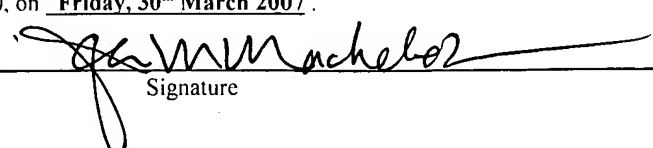
  
Jean M. Macheledt  
**Macheledt Bales & Heidmiller LLP**  
Attorney for Applicants/Assignee  
Registration Number 33,956  
Tel.: 970.218.6798

Fort Collins, CO 80525-3133

Date: **30 MARCH 2007** (Friday)

I hereby certify that this correspondence is being deposited with the US Postal Service under 37 CFR 1.8 with sufficient postage as first class mail in an envelope addressed to: Mail Stop: Missing Parts, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on **Friday, 30<sup>th</sup> March 2007**.

Jean M Macheledt  
Printed Name

  
Signature



## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/581,135	David P. VanSickle	CUtech-105A

INTERNATIONAL APPLICATION NO.
-------------------------------

PCT/US04/42488

I.A. FILING DATE	PRIORITY DATE
12/17/2004	12/17/2003

28304  
JEAN M. MACHELEDT  
501 SKYSAIL LANE  
SUITE B100  
FORT COLLINS, CO 80525-3133

CONFIRMATION NO. 1990

371 FORMALITIES LETTER



\*OC000000022592146\*

Date Mailed: 02/22/2007

### NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Indication of Small Entity Status
- Copy of the International Application filed on 05/30/2006
- Copy of the International Search Report filed on 05/30/2006
- Oath or Declaration filed on 05/30/2006
- Request for Immediate Examination filed on 05/30/2006
- U.S. Basic National Fees filed on 05/30/2006
- Assignment filed on 05/30/2006
- Priority Documents filed on 05/30/2006
- Specification filed on 05/30/2006
- Claims filed on 05/30/2006
- Abstracts filed on 05/30/2006
- Drawings filed on 05/30/2006

The applicant needs to satisfy supplemental fees problems indicated below.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date. The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) in that it:
  - is not executed in accordance with either 37 CFR 1.66 or 37 CFR 1.68.
- To avoid abandonment, a surcharge (for late submission of filing fee, search fee, examination fee or oath or declaration) as set forth in 37 CFR 1.492(h) of \$65 for a small entity in compliance with 37 CFR 1.27,

COPY

must be submitted with the missing items identified in this letter.

#### SUMMARY OF FEES DUE:

Total additional fees required for this application is **\$165** for a Small Entity:

- **\$65 Surcharge.**
- The application examination fee has not been paid. Applicant must submit **\$100** to complete the examination fee for a small entity in compliance with 37 CFR 1.27. Note a surcharge will be required if submitted later than commencement of the national stage (37 CFR 1.492(h)) and the basic national fee was not paid before July 1, 2005.

**ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

Registered users of EFS-Web may alternatively submit their reply to this notice via EFS-Web.  
<https://sportal.uspto.gov/authenticate/AuthenticateUserLocalEPF.html>

For more information about EFS-Web please call the USPTO Electronic Business Center at **1-866-217-9197** or visit our website at <http://www.uspto.gov/ebc>.

**If you are not using EFS-Web to submit your reply, you must include a copy of this notice.**

FREDERICK SMITH

Telephone: (703) 308-9140 EXT 210

#### PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/581,135	PCT/US04/42488	CUtech-105A